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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
11)
12 Plaintiff,) 2:10-CV-030-KJD (PAL)
13)
14 v.)
15 GLOCK MODEL 30, .45 CALIBER)
16 HANDGUN, SERIAL NO. NKT222,)
17)
18 Defendant.)
19 **DEFAULT JUDGMENT OF FORFEITURE**

20 The United States filed a Verified Complaint for Forfeiture in Rem on January 11, 2010.

21 Docket #1. The Verified Complaint (#1) alleges the defendant property:

22 a) was acquired by Gabriel Hernandez in a manner that violated 18 U.S.C. §
23 922(a)(6), in that Gabriel Hernandez provided false information: to wit: his residency address, to the
24 vendor in connection with filling out and executing ATF Form 4473; and, as such, the defendant is
25 subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1).

26 It appearing that process was fully issued in this action and returned according to law;

27 On January 27, 2010, this Court entered an Order for Summons and Warrant of Arrest in Rem
28 for the Property and Notice and issued the Summons and Warrant of Arrest in Rem for the Property.
29 #2 and #3.

30 ...

1 Pursuant to the Order (#2), the Complaint (#1), the Order (#2), the Summons and Warrant
2 (#3), and the Notice of Complaint for Forfeiture (#6) were served on the defendant property, and the
3 Notice was published according to law. #4. All persons interested in the defendant property were
4 required to file their claims with the Clerk of the Court within 60 days from the first day of publication
5 of the Notice or within 35 days of actual notice of this action, as applicable, followed by the filing of
6 an answer to the Complaint within 20 days after the filing of their respective claims. #1, #2, #3, #4,
7 #6.

8 Public notice of the forfeiture action was given to all persons and entities on the official
9 government internet forfeiture site, www.forfeiture.gov, from February 3, 2010 through March 4,
10 2010. #4.

11 On March 10, 2010, the Notice of Filing Proof of Publication was filed. #4.

12 On June 4, 2010, the Notice of Filing Service of Process was filed. #6.

13 On February 3, 2010, the Bureau of Alcohol, Tobacco, Firearms and Explosives served the
14 Complaint, the Order, the Summons and Warrant of Arrest in Rem for the Property, and the Notice
15 by executing them on the defendant property. #6-2, p. 2-15.

16 On February 5, 2010, the United States Marshals Service served the Complaint, the Summons
17 and Warrant of Arrest in Rem for the Property, the Order, and the Notice of Complaint for Forfeiture
18 on Gabriel Hernandez by regular and certified return receipt mail at 2735 9th Street, Oakland, CA
19 94606. The certified return receipt requested mail was not picked up by Gabriel Hernandez after the
20 United States Postal Service attempted to deliver it at the address and left a notice for him to pick it
21 up within thirty days at the United States Post Office. #6-3, p. 2-18. The regular mail to the address
22 was not returned to the United States Marshal Service. #6-3, p. 2-18.

23 On May 17, 2010, the United States Marshals Service attempted service of the Complaint,
24 the Summons and Warrant of Arrest in Rem for the Property, the Order, and the Notice of Complaint
25 for Forfeiture on Gabriel Hernandez by personal service at 6473 Little Pine Way, Las Vegas, NV
26 89108. #6-4, p. 2-15.

1 On May 28, 2010, the United States Marshals Service attempted service of the Complaint,
2 the Summons and Warrant of Arrest in Rem for the Property, the Order, and the Notice of Complaint
3 for Forfeiture on Gabriel Hernandez by personal service at 2201 North Buffalo Drive, #2029, Las
4 Vegas, NV 89128. #6-5, p. 2-15.

5 On February 16, 2010, the United States Marshals Service served the Complaint, the
6 Summons and Warrant of Arrest in Rem for the Property, the Order, and the Notice of Complaint for
7 Forfeiture on Amber Call, Owner of Citadel Gun & Safe by personal service at 4305 Dean Martin
8 Drive, Suite 165, Las Vegas, Nevada 89103. #6-6, p. 2-16.

9 On February 16, 2010, the United States Marshals Service served the Complaint, the
10 Summons and Warrant of Arrest in Rem for the Property, the Order, and the Notice of Complaint for
11 Forfeiture on Harold James by personal service at 2201 North Buffalo Drive, #1038, Las Vegas, NV
12 89128. #6-7 p. 2-16.

13 Gabriel Hernandez is not in the military service within the purview of the Servicemen's Civil
14 Relief Act of 2003.

15 Amber Call is not in the military service within the purview of the Servicemen's Civil Relief
16 Act of 2003.

17 Harold James is not in the military service within the purview of the Servicemen's Civil
18 Relief Act of 2003.

19 No person or entity has filed a claim, answer, or responsive pleading within the time
20 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4)(b) and (5).

21 On June 18, 2010, the United States filed a Request for Entry of Default against the defendant
22 property and all persons or entities who claim an interest in the defendant property in the above-
23 entitled action. #7.

24 On June 21, 2010, the Clerk of the Court entered a Default against the defendant property and
25 all persons or entities who claim an interest in the defendant property in the above-entitled action. #8.

26 ...

1 The allegations of the Verified Amended Complaint are sustained by the evidence and are
2 adopted as findings of fact. The Court concludes as a matter of law that the United States is entitled
3 to the relief requested in the Verified Amended Complaint.

4 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
5 Default Judgment of Forfeiture be entered against the defendant property and all persons or entities
6 who claim an interest in the defendant property in the above-entitled action.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
8 same is hereby forfeited to the United States of America, and no right, title, or interest in the property
9 shall exist in any other party.

10 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
11 cause for the seizure or arrest of the defendant property. 

erty.)

UNITED STATES DISTRICT JUDGE

DATED: July 8, 2010